

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 247 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 taxation and to make an appropriation.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 6-1.1-17-3 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) The proper
- 8 officers of a political subdivision shall formulate its estimated budget
- 9 and its proposed tax rate and tax levy on the form prescribed by the
- 10 state board of tax commissioners and approved by the state board of
- 11 accounts. The political subdivision shall give notice by publication to
- 12 taxpayers of:
- 13 (1) the estimated budget;
- 14 (2) the estimated maximum permissible levy;
- 15 (3) the current and proposed tax levies of each fund; ~~and~~
- 16 (4) the amounts of excessive levy appeals to be requested; **and**
- 17 **(5) after December 31, 1999, the current and proposed**
- 18 **amount of revenue to be distributed by the state during the**
- 19 **budget year to the general fund of a school corporation.**
- 20 In the notice, the political subdivision shall also state the time and
- 21 place at which a public hearing will be held on these items. The notice
- 22 shall be published twice in accordance with IC 5-3-1 with the first
- 23 publication at least ten (10) days before the date fixed for the public
- 24 hearing.

(b) The trustee of each township of the county shall:

- (1) estimate the amount necessary to meet the cost of poor relief in the township for the ensuing calendar year; and
- (2) publish with the township budget a tax rate sufficient to meet the estimated cost of poor relief.

The taxes collected as a result of this rate shall be credited to the county poor fund.

(c) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

- (1) in any county of the solid waste management district; and
- (2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

SECTION 2. IC 6-1.1-17-5.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5.1. (a) As used in this section, "school corporation" has the meaning set forth in IC 20-10.1-1-1.

(b) Before February 1 of each year, the officers of a school corporation shall meet to fix the budget for the school corporation for the ensuing budget year, with notice given by the same officers.

(c) Not later than two (2) days after a school corporation fixes a budget under subsection (b), the officers of the school corporation shall file the budget adopted by the school corporation for the ensuing budget year with the state board of tax commissioners.

(d) Each year at least two (2) days before the first meeting of the county board of tax adjustment held under IC 6-1.1-29-4, a school corporation shall file with the county auditor:

- (1) a statement of the tax rate and tax levy fixed by the school corporation for the ensuing budget year;
- (2) after December 31, 1999, the proposed amount of revenue to be distributed by the state during the budget year to the general fund of a school corporation;**
- ~~(2)~~ **(3)** two (2) copies of the budget adopted by the school corporation for the ensuing budget year; and
- ~~(3)~~ **(4)** any written notification from the state board of tax commissioners under section 16(i) of this chapter that specifies a proposed revision, reduction, or increase in the budget adopted by the school corporation for the ensuing budget year.

Each year the county auditor shall present these items to the county board of tax adjustment at the board's first meeting.

(e) In a consolidated city, a county containing a consolidated city, and a second class city, the clerk of the fiscal body shall, notwithstanding subsection (d), file the adopted budget and tax ordinances with the county board of tax adjustment not later than two (2) days after the ordinances are signed by the executive or not later than two (2) days after action is taken by the fiscal body to override a

veto of the ordinances, whichever is later.

SECTION 3. IC 6-1.1-17-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) When the aggregate tax rate within a political subdivision, as approved or modified by the county board of tax adjustment, exceeds the maximum aggregate tax rate prescribed in IC 1971, 6-1.1-18-3(a), the county auditor shall certify the budgets, tax rates, and tax levies of the political subdivisions whose tax rates compose the aggregate tax rate within the political subdivision, as approved or modified by the county board, to the state board of tax commissioners for final review. For purposes of this section, the maximum aggregate tax rate limit exceptions provided in IC ~~1971~~, 6-1.1-18-3(b) do not apply.

(b) The county auditor shall certify the general fund budgets of each school corporation, as modified by the county board of tax adjustment, to the state board of tax commissioners for final review.

SECTION 4. IC 6-1.1-18.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. (a) For purposes of determining a civil taxing unit's maximum permissible ad valorem property tax levy for an ensuing calendar year, the civil taxing unit shall use the assessed value growth quotient determined in the last STEP of the following STEPS:

STEP ONE: Determine the three (3) calendar years that most immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first become effective.

STEP TWO: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth) of the civil taxing unit's total assessed value of all taxable property in the particular calendar year, divided by the civil taxing unit's total assessed value of all taxable property in the calendar year immediately preceding the particular calendar year.

STEP THREE: Divide the sum of the three (3) quotients computed in STEP TWO by three (3).

STEP FOUR: Determine the greater of the result computed in STEP THREE or one and ~~five-hundredths (1.05)~~ **four-hundredths (1.04)**.

STEP FIVE: Determine the lesser of the result computed in STEP FOUR or one and ~~one-tenth (1.1)~~ **eight-hundredths (1.08)**.

(b) If the assessed values of taxable property used in determining a civil taxing unit's property taxes that are first due and payable in a particular calendar year are significantly increased over the assessed values used for the immediately preceding calendar year's property taxes due to the settlement of litigation concerning the general reassessment of that civil taxing unit's real property, then for purposes of determining that civil taxing unit's assessed value growth quotient

for an ensuing calendar year, the state board of tax commissioners shall replace the quotient described in STEP TWO of subsection (a) for that particular calendar year. The state board of tax commissioners shall replace that quotient with one that as accurately as possible will reflect the actual growth in the civil taxing unit's assessed values of real property from the immediately preceding calendar year to that particular calendar year.

SECTION 5. IC 6-1.1-19-1.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 1.9. (a) This section applies to ad valorem property taxes first due and payable after December 31, 1999.**

(b) Except as provided in:

- (1) IC 20-5-15-2 (public library in connection with school);**
- (2) IC 20-5-16-2 (nursery schools);**
- (3) IC 20-5-17-2 (Children's Museum in Marion County);**
- (4) IC 20-5-17.5-2 (historical societies);**
- (5) IC 20-5-17.5-3 (art associations);**
- (6) IC 20-5-17.5-4 (cultural institutions); and**
- (7) IC 20-5-37-4 (public playgrounds);**

a school corporation may not levy an ad valorem property tax for the school corporation's general fund that exceeds the amount permitted under subsection (c).

(c) The maximum general fund levy of a school corporation determined under this chapter shall be reduced to be the following:

- (1) For 2000, ninety-five percent (95%) of the maximum levy.**
- (2) For 2001, ninety percent (90%) of the maximum levy.**
- (3) For 2002, eighty-five percent (85%) of the maximum levy.**
- (4) For 2003, eighty percent (80%) of the maximum levy.**
- (5) For 2004, seventy-five percent (75%) of the maximum levy.**
- (6) For 2005, seventy percent (70%) of the maximum levy.**
- (7) For 2006, sixty-five percent (65%) of the maximum levy.**
- (8) For 2007, sixty percent (60%) of the maximum levy.**
- (9) For 2008, fifty-five percent (55%) of the maximum levy.**
- (10) For 2009 and thereafter, fifty percent (50%) of the maximum levy.**

This reduction shall be made by the state board of tax commissioners after the calculation of state tuition support.

(d) An additional property tax replacement credit shall be distributed to counties to be applied to the tax liability of property taxpayers at the same time and in the same manner as the property tax replacement credit under IC 6-1.1-21. The amount of the credit that each taxpayer is entitled to receive is one hundred percent (100%) minus the percentage used under subsection (c) of the taxpayer's liability, as defined in IC 6-1.1-21-5, for school

corporation general fund property taxes. The money to make the distributions is appropriated from the state general fund.

SECTION 6. IC 6-1.1-19-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 12. (a)** As used in this section, "revenues" means excise tax distributions under IC 6-6-5 and any other allocation of state tax collections or distributions that by statute:

(1) are distributed to school corporations; and

(2) are based on the property tax levies imposed by the taxing units in a county.

The term does not include homestead credits or property tax replacement credits.

(b) A school corporation is entitled to receive for the school corporation's general fund a proportion of the revenues that are distributed within the county. The amount that the school corporation is entitled to receive during that calendar year equals the amount determined under STEP FIVE of the following formula:

STEP ONE: Determine the amount of revenue that is available for distribution in the county in the distribution year.

STEP TWO: Determine the product of:

(A) the average annual percentage of the school general fund budget, using 1997, 1998, and 1999, that was comprised of property tax revenue, including any property tax replacement credits or homestead credits; multiplied by

(B) the school general fund budget for the distribution year.

STEP THREE: Determine the sum of:

(A) the property tax levies imposed by all taxing units in the county; and

(B) the amounts determined in STEP TWO for all school corporations in the county in proportion to the amount of taxable property located in the school corporation and the county;

for that calendar year.

STEP FOUR: Determine the result of the STEP TWO amount divided by the STEP THREE sum.

STEP FIVE: Multiply the STEP ONE amount by the STEP FOUR result.

(c) The amount of revenues distributed to:

(1) taxing units other than a school corporation; and

(2) funds of a school corporation for which a property tax levy is imposed;

shall be changed for that same year by reducing the amount of

revenue distributed by the amount of revenue allocated under this section for that same calendar year. The state board of tax commissioners shall make any adjustments required by this section and provide them to the appropriate county auditors.

(d) A school corporation shall be treated as a taxing unit for purposes of a distribution of financial institutions tax revenues under IC 6-5.5-8-2.

SECTION 7. IC 6-1.1-20.9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) Except as otherwise provided in section 5 of this chapter, an individual who on March 1 of a particular year either owns or is buying a homestead under a contract that provides the individual is to pay the property taxes on the homestead is entitled each calendar year to a credit against the property taxes which the individual pays on the individual's homestead. However, only one (1) individual may receive a credit under this chapter for a particular homestead in a particular year.

(b) The amount of the credit to which the individual is entitled equals the product of:

- (1) the percentage prescribed in subsection (d); multiplied by
- (2) the amount of the individual's property tax liability, as that term is defined in IC 6-1.1-21-5, which is attributable to the homestead during the particular calendar year.

(c) For purposes of determining that part of an individual's property tax liability that is attributable to the individual's homestead, all deductions from assessed valuation which the individual claims under IC 6-1.1-12 or IC 6-1.1-12.1 for property on which the individual's homestead is located must be applied first against the assessed value of the individual's homestead before those deductions are applied against any other property.

(d) The percentage of the credit referred to in subsection (b)(1) is as follows:

YEAR	PERCENTAGE OF THE CREDIT
1996	8%
1997	6%
1998 through 2001	10%
2002 and thereafter	4%

However, the property tax replacement fund board established under IC 6-1.1-21-10, in its sole discretion, may increase the percentage of the credit provided in the schedule for any year, if the board feels that the property tax replacement fund contains enough money for the resulting increased distribution. If the board increases the percentage of the credit provided in the schedule for any year, the percentage of the credit for the immediately following year is the percentage provided in the schedule for that particular year, unless as provided in this subsection the board in its discretion increases the percentage of the

credit provided in the schedule for that particular year. However, the percentage credit allowed in a particular county for a particular year shall be increased if on January 1 of a year an ordinance adopted by a county income tax council was in effect in the county which increased the homestead credit. The amount of the increase equals the amount designated in the ordinance.

(e) Before October 1 of each year, the assessor shall furnish to the county auditor the amount of the assessed valuation of each homestead for which a homestead credit has been properly filed under this chapter.

(f) The county auditor shall apply the credit equally to each installment of taxes that the individual pays for the property.

(g) Notwithstanding the provisions of this chapter, a taxpayer other than an individual is entitled to the credit provided by this chapter if:

- (1) an individual uses the residence as the individual's principal place of residence;
- (2) the residence is located in Indiana;
- (3) the individual has a beneficial interest in the taxpayer;
- (4) the taxpayer either owns the residence or is buying it under a contract, recorded in the county recorder's office, that provides that the individual is to pay the property taxes on the residence; and
- (5) the residence consists of a single-family dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

SECTION 8. IC 6-3-1-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
Sec. 3.5. When used in IC 6-3, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

- (1) Subtract income that is exempt from taxation under IC 6-3 by the Constitution and statutes of the United States.
- (2) Add an amount equal to **the sum of:**
 - (A) Any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States. ~~or~~
 - (B) **Fifty percent (50%) of any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code** for taxes on property levied by any subdivision of any state of the United States.
- (3) Subtract one thousand **five hundred** dollars ~~(\$1,000); (\$1,500)~~, or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand **five hundred** dollars ~~(\$1,000); (\$1,500)~~.

(4) Subtract one thousand **five hundred** dollars ~~(\$1,000)~~ **(\$1,500)** for:

(A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;

(B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and

(C) the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

~~(5) Subtract five hundred dollars (\$500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code for taxable years beginning after December 31, 1996, and before January 1, 2001. This amount is in addition to the amount subtracted under subdivision (4).~~

~~(6)~~ **(5)** Subtract an amount equal to the lesser of:

(A) that part of the individual's adjusted gross income (as defined in Section 62 of the Internal Revenue Code) for that taxable year that is subject to a tax that is imposed by a political subdivision of another state and that is imposed on or measured by income; or

(B) two thousand dollars (\$2,000).

~~(7)~~ **(6)** Add an amount equal to the total capital gain portion of a lump sum distribution (as defined in Section 402(e)(4)(D) of the Internal Revenue Code), if the lump sum distribution is received by the individual during the taxable year and if the capital gain portion of the distribution is taxed in the manner provided in Section 402 of the Internal Revenue Code.

~~(8)~~ **(7)** Subtract any amounts included in federal adjusted gross income under Internal Revenue Code Section 111 as a recovery of items previously deducted as an itemized deduction from adjusted gross income.

~~(9)~~ **(8)** Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

~~(10)~~ **(9)** Add an amount equal to the deduction allowed under Section 221 of the Internal Revenue Code for married couples filing joint returns if the taxable year began before January 1, 1987.

~~(11)~~ **(10)** Add an amount equal to the interest excluded from federal gross income by the individual for the taxable year under Section 128 of the Internal Revenue Code, if the taxable year began before January 1, 1985.

~~(12)~~ **(11)** Subtract an amount equal to the amount of federal

1 Social Security and Railroad Retirement benefits included in a
 2 taxpayer's federal gross income by Section 86 of the Internal
 3 Revenue Code.

4 ~~(13)~~ **(12)** In the case of a nonresident taxpayer or a resident
 5 taxpayer residing in Indiana for a period of less than the taxpayer's
 6 entire taxable year, the total amount of the deductions allowed
 7 pursuant to subdivisions (3), (4), (5), and (6) shall be reduced to
 8 an amount which bears the same ratio to the total as the taxpayer's
 9 income taxable in Indiana bears to the taxpayer's total income.

10 ~~(14)~~ **(13)** In the case of an individual who is a recipient of
 11 assistance under IC 12-10-6-1, IC 12-10-6-2, IC 12-10-6-3,
 12 IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that
 13 portion of the individual's adjusted gross income with respect to
 14 which the individual is not allowed under federal law to retain an
 15 amount to pay state and local income taxes.

16 **(14) Subtract an amount equal to fifty percent (50%) of the**
 17 **amount of property taxes (excluding excise taxes in lieu of**
 18 **property taxes) that are paid by the individual and for which**
 19 **a deduction is not allowed or allowable pursuant to Section 62**
 20 **of the Internal Revenue Code.**

21 (b) In the case of corporations, the same as "taxable income" (as
 22 defined in Section 63 of the Internal Revenue Code) adjusted as
 23 follows:

24 (1) Subtract income that is exempt from taxation under IC 6-3 by
 25 the Constitution and statutes of the United States.

26 (2) Add an amount equal to any deduction or deductions allowed
 27 or allowable pursuant to Section 170 of the Internal Revenue
 28 Code.

29 (3) Add an amount equal to any deduction or deductions allowed
 30 or allowable pursuant to Section 63 of the Internal Revenue Code
 31 for taxes based on or measured by income and levied at the state
 32 level by any state of the United States or for taxes on property
 33 levied by any subdivision of any state of the United States.

34 (4) Subtract an amount equal to the amount included in the
 35 corporation's taxable income under Section 78 of the Internal
 36 Revenue Code.

37 (c) In the case of trusts and estates, "taxable income" (as defined for
 38 trusts and estates in Section 641(b) of the Internal Revenue Code)
 39 reduced by income that is exempt from taxation under IC 6-3 by the
 40 Constitution and statutes of the United States.

41 Page 2, between lines 1 and 2, begin a new paragraph and insert:

42 "SECTION 10. IC 6-3.5-1.1-18 IS AMENDED TO READ AS
 43 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
 44 Sec. 18. (a) Except as otherwise provided in this chapter, all provisions
 45 of the adjusted gross income tax law (IC 6-3) concerning:

46 (1) definitions;

1 (2) declarations of estimated tax;
 2 (3) filing of returns;
 3 (4) remittances;
 4 (5) incorporation of the provisions of the Internal Revenue Code;
 5 (6) penalties and interest;
 6 (7) exclusion of military pay credits for withholding; and
 7 (8) exemptions and deductions;
 8 apply to the imposition, collection, and administration of the tax
 9 imposed by this chapter.

10 (b) The provisions of ~~IC 6-3-1-3.5(a)(6)~~, **IC 6-3-1-3.5(a)(5)**,
 11 **IC 6-3-3-3**, **IC 6-3-3-5**, and **IC 6-3-5-1** do not apply to the tax imposed
 12 by this chapter.

13 (c) Notwithstanding subsections (a) and (b), each employer shall
 14 report to the department the amount of withholdings attributable to
 15 each county. This report shall be submitted annually along with the
 16 employer's annual withholding report.

17 SECTION 11. IC 6-3.1-20 IS ADDED TO THE INDIANA CODE
 18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 19 JANUARY 1, 1999 (RETROACTIVE)]:

20 **Chapter 20. Credit for Property Taxes Paid on Inventory**

21 **Sec. 1. As used in this chapter, "assessed value" means the**
 22 **assessed value of inventory determined under IC 6-1.1-3.**

23 **Sec. 2. As used in this chapter, "inventory" has the meaning set**
 24 **forth in IC 6-1.1-3-11.**

25 **Sec. 3. As used in this chapter, "pass through entity" means:**

- 26 (1) a corporation that is exempt from the adjusted gross
- 27 income tax under IC 6-3-2-2.8(2); or
- 28 (2) a partnership.

29 **Sec. 4. As used in this chapter, "state tax liability" means a**
 30 **taxpayer's total tax liability that is incurred under:**

- 31 (1) IC 6-2.1 (gross income tax);
- 32 (2) IC 6-3-1 through IC 6-3-7 (adjusted gross income tax);
- 33 (3) IC 6-3-8 (supplemental net income tax);
- 34 (4) IC 6-5.5 (financial institutions tax); and
- 35 (5) IC 27-1-18-2 (insurance premiums tax);

36 **as computed after the application of the credits that under**
 37 **IC 6-3.1-1-2 are to be applied before the credit provided by this**
 38 **chapter.**

39 **Sec. 5. As used in this chapter, "taxpayer" means an individual**
 40 **or entity that has state tax liability.**

41 **Sec. 6. (a) A taxpayer is entitled to a credit against the**
 42 **taxpayer's state tax liability for a taxable year for the ad valorem**
 43 **property taxes paid by the taxpayer in the taxable year on**
 44 **inventory.**

45 **(b) The amount of the credit is equal to the product of:**

- 46 (1) the appropriate percentage specified in subsection (c);

multiplied by

(2) the amount of property taxes paid on inventory by the taxpayer during the taxable year.

(c) The percentage described in subsection (b)(1) is determined by the calendar year in which the property taxes on inventory are paid and is set forth in the following table:

CALENDAR YEAR IN WHICH INVENTORY TAXES ARE PAID	PERCENTAGE OF INVENTORY TAXES ALLOWED AS A CREDIT
1999	10%
2000	20%
2001	30%
2002	40%
2003	50%
2004	60%
2005	70%
2006	80%
2007	90%
2008 and thereafter	100%

(d) If a taxpayer pays property taxes in two (2) different calendar years during the taxpayer's same taxable year, the taxpayer shall apply the appropriate percentage specified for each calendar year to the property taxes paid in each calendar year to compute the credit for the taxable year.

Sec. 7. (a) If the amount determined under section 6(b) of this chapter for a taxpayer in a taxable year exceeds the taxpayer's state tax liability for that taxable year, the taxpayer may carry the excess over to the following taxable years. The amount of the credit carryover from a taxable year shall be reduced to the extent that the carryover is used by the taxpayer to obtain a credit under this chapter for any subsequent taxable year. A taxpayer is not entitled to a carryback.

(b) A taxpayer is not entitled to a refund of any unused credit.

Sec. 8. If a pass through entity does not have state income tax liability against which the tax credit may be applied, a shareholder or partner of the pass through entity is entitled to a tax credit equal to:

(1) the tax credit determined for the pass through entity for the taxable year; multiplied by

(2) the percentage of the pass through entity's distributive income to which the shareholder or partner is entitled.

Sec. 9. To receive the credit provided by this chapter, a taxpayer must claim the credit on the taxpayer's state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department proof of payment of an ad valorem property tax and all information that the department determines

1 is necessary for the calculation of the credit provided by this
2 chapter.

3 SECTION 12. IC 6-3.1-21 IS ADDED TO THE INDIANA CODE
4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
5 JANUARY 1, 1999 (RETROACTIVE)]:

6 **Chapter 21. Elementary and Secondary Education Tax Credit**
7 **for Education Expenses**

8 **Sec. 1. As used in this chapter, "accredited nonpublic school"**
9 **means a nonpublic school that:**

10 (1) voluntarily seeks; and

11 (2) receives;

12 accreditation as authorized under IC 20-1-1-6(a)(5).

13 **Sec. 2. As used in this chapter, "eligible dependent"** means a
14 dependent, as defined in Section 151(c)(1)(B) of the Internal
15 Revenue Code, who is enrolled in kindergarten through grade 12
16 in a public school or an accredited nonpublic school.

17 **Sec. 3. As used in this chapter, "nonpublic school"** has the
18 meaning set forth in IC 20-10.1-1-3.

19 **Sec. 4. As used in this chapter, "public school"** has the meaning
20 set forth in IC 20-10.1-1-2.

21 **Sec. 5. As used in this chapter, "qualified education expense"**
22 **means any of the following expenses incurred by a taxpayer during**
23 **the taxable year and paid to others for an eligible dependent:**

24 (1) Expense for textbooks and instructional materials. This
25 subdivision excludes an expense for textbooks and
26 instructional materials for the teaching of religious tenets,
27 doctrines, or worship when the purpose of the teaching is to
28 instill religious tenets, doctrines, or worship.

29 (2) Personal computer expense for:

30 (A) personal computer hardware, excluding single purpose
31 processors; and

32 (B) educational software that assists an eligible dependent
33 to improve or expand knowledge and skills in core
34 curriculum areas, including language arts, mathematics,
35 science, or social studies;

36 purchased for use in the eligible dependent's home and not
37 used in trade or business.

38 **Sec. 6. As used in this chapter, "taxpayer"** means an individual
39 who has any adjusted gross income tax liability.

40 **Sec. 7. A taxpayer who incurs a qualified education expense is**
41 **entitled to a credit against the adjusted gross income tax imposed**
42 **by IC 6-3 for the taxable year during which the taxpayer incurs the**
43 **qualified education expense. The credit is equal to the lesser of:**

44 (1) the taxpayer's qualified education expense multiplied by
45 fifty percent (50%); or

46 (2) fifty dollars (\$50) per eligible dependent.

Sec. 8. If both spouses reside in the same household, only one (1) credit may be claimed by the spouses under this chapter for the taxable year. However, in the case of a husband and wife who incur a qualified education expense and file separate tax returns, the husband and wife may take the credit in equal shares or one (1) spouse may take the entire credit.

Sec. 9. If the amount of the credit provided by this chapter that a taxpayer uses during a particular taxable year exceeds the sum of the taxes imposed by IC 6-3 for the taxable year after the application of all credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter, the excess shall be returned to the taxpayer as a refund.

SECTION 13. IC 6-3.5-6-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
Sec. 22. (a) Except as otherwise provided in subsection (b) and the other provisions of this chapter, all provisions of the adjusted gross income tax law (IC 6-3) concerning:

- (1) definitions;
- (2) declarations of estimated tax;
- (3) filing of returns;
- (4) deductions or exemptions from adjusted gross income;
- (5) remittances;
- (6) incorporation of the provisions of the Internal Revenue Code;
- (7) penalties and interest; and
- (8) exclusion of military pay credits for withholding;

apply to the imposition, collection, and administration of the tax imposed by this chapter.

(b) The provisions of ~~IC 6-3-1-3.5(a)(6)~~, **IC 6-3-1-3.5(a)(5)**, IC 6-3-3-3, IC 6-3-3-5, and IC 6-3-5-1 do not apply to the tax imposed by this chapter.

(c) Notwithstanding subsections (a) and (b), each employer shall report to the department the amount of withholdings attributable to each county. This report shall be submitted along with the employer's other withholding report.

SECTION 14. IC 6-3.5-7-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
Sec. 18. (a) Except as otherwise provided in this chapter, all provisions of the adjusted gross income tax law (IC 6-3) concerning:

- (1) definitions;
- (2) declarations of estimated tax;
- (3) filing of returns;
- (4) remittances;
- (5) incorporation of the provisions of the Internal Revenue Code;
- (6) penalties and interest;
- (7) exclusion of military pay credits for withholding; and
- (8) exemptions and deductions;

1 apply to the imposition, collection, and administration of the tax
2 imposed by this chapter.

3 (b) The provisions of ~~IC 6-3-1-3.5(a)(6)~~, **IC 6-3-1-3.5(a)(5)**,
4 IC 6-3-3-3, IC 6-3-3-5, and IC 6-3-5-1 do not apply to the tax imposed
5 by this chapter.

6 (c) Notwithstanding subsections (a) and (b), each employer shall
7 report to the department the amount of withholdings attributable to
8 each county. This report shall be submitted annually along with the
9 employer's annual withholding report.

10 **SECTION 15. IC 6-1.1-18-3 IS AMENDED TO READ AS**
11 **FOLLOWS [EFFECTIVE JANUARY 1, 2000]:** Sec. 3. (a) Except as
12 provided in subsection (b), the sum of all tax rates for all political
13 subdivisions imposed on tangible property within a political
14 subdivision may not exceed:

15 (1) one dollar and twenty-five cents (\$1.25) on each one hundred
16 dollars (\$100) of assessed valuation in territory outside the
17 corporate limits of a city or town; or

18 (2) two dollars (\$2) on each one hundred dollars (\$100) of
19 assessed valuation in territory inside the corporate limits of a city
20 or town.

21 (b) The proper officers of a political subdivision shall fix tax rates
22 which are sufficient to provide funds for the purposes itemized in this
23 subsection. The portion of a tax rate fixed by a political subdivision
24 shall not be considered in computing the tax rate limits prescribed in
25 subsection (a) if that portion is to be used for one (1) of the following
26 purposes:

27 (1) To pay the principal or interest on a funding, refunding, or
28 judgment funding obligation of the political subdivision.

29 (2) To pay the principal or interest on an outstanding obligation
30 issued by the political subdivision if notice of the sale of the
31 obligation was published before March 9, 1937.

32 (3) To pay the principal or interest upon:

33 (A) an obligation issued by the political subdivision to meet an
34 emergency which results from a flood, fire, pestilence, war, or
35 any other major disaster; or

36 (B) a note issued under IC 36-2-6-18, IC 36-3-4-22,
37 IC 36-4-6-20, or IC 36-5-2-11 to enable a city, town, or county
38 to acquire necessary equipment or facilities for municipal or
39 county government.

40 (4) To pay the principal or interest upon an obligation issued in
41 the manner provided in IC 6-1.1-20-3 (before its repeal) or
42 IC 6-1.1-20-3.1 through IC 6-1.1-20-3.2.

43 (5) To pay a judgment rendered against the political subdivision.

44 ~~(6) To meet the requirements of the county welfare fund; the~~
45 ~~county welfare administration fund; for public welfare services;~~
46 ~~or the family and children's fund for child services (as defined in~~

~~IC 12-19-7-1).~~

~~(7) To meet the requirements of the county hospital care for the indigent fund.~~

(c) Except as otherwise provided in IC 6-1.1-19 or IC 6-1.1-18.5, a county board of tax adjustment, a county auditor, or the state board of tax commissioners may review the portion of a tax rate described in subsection (b) only to determine if it exceeds the portion actually needed to provide for one (1) of the purposes itemized in that subsection.

SECTION 16. IC 6-1.1-18-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2001]: Sec. 3. (a) Except as provided in subsection (b), the sum of all tax rates for all political subdivisions imposed on tangible property within a political subdivision may not exceed:

(1) forty-one and sixty-seven hundredths cents (\$0.4167) on each one hundred dollars (\$100) of assessed valuation in territory outside the corporate limits of a city or town; or

(2) sixty-six and sixty-seven hundredths cents (\$0.6667) on each one hundred dollars (\$100) of assessed valuation in territory inside the corporate limits of a city or town.

(b) The proper officers of a political subdivision shall fix tax rates which are sufficient to provide funds for the purposes itemized in this subsection. The portion of a tax rate fixed by a political subdivision shall not be considered in computing the tax rate limits prescribed in subsection (a) if that portion is to be used for one (1) of the following purposes:

(1) To pay the principal or interest on a funding, refunding, or judgment funding obligation of the political subdivision.

(2) To pay the principal or interest on an outstanding obligation issued by the political subdivision if notice of the sale of the obligation was published before March 9, 1937.

(3) To pay the principal or interest upon:

(A) an obligation issued by the political subdivision to meet an emergency which results from a flood, fire, pestilence, war, or any other major disaster; or

(B) a note issued under IC 36-2-6-18, IC 36-3-4-22, IC 36-4-6-20, or IC 36-5-2-11 to enable a city, town, or county to acquire necessary equipment or facilities for municipal or county government.

(4) To pay the principal or interest upon an obligation issued in the manner provided in IC 6-1.1-20-3 (before its repeal) or IC 6-1.1-20-3.1 through IC 6-1.1-20-3.2.

(5) To pay a judgment rendered against the political subdivision.

~~(6) To meet the requirements of the county welfare fund; the county welfare administration fund; for public welfare services; or the family and children's fund for child services (as defined in~~

~~IC 12-19-7-1).~~

~~(7) To meet the requirements of the county hospital care for the indigent fund.~~

(c) Except as otherwise provided in IC 6-1.1-19 or IC 6-1.1-18.5, a county board of tax adjustment, a county auditor, or the state board of tax commissioners may review the portion of a tax rate described in subsection (b) only to determine if it exceeds the portion actually needed to provide for one (1) of the purposes itemized in that subsection.

SECTION 17. IC 6-1.1-18.5-9.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 9.7. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed under ~~any of the following:~~

~~(1) IC 12-16, except IC 12-16-1.~~

~~(2) IC 12-19-3-3 through IC 12-19-3-7.~~

~~(3) IC 12-19-4.~~

~~(4) IC 12-19-5.~~

~~(5) IC 12-19-7.~~

~~(6) IC 12-20-24.~~

(b) For purposes of computing the ad valorem property tax levy limits imposed under section 3 of this chapter, a county's or township's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed under ~~the citations listed in subsection (a): IC 12-20-24.~~

(c) Section 8(b) of this chapter does not apply to bonded indebtedness that **was issued to cover obligations incurred before January 1, 2000, and that** will be repaid through property taxes imposed under IC 12-19.

SECTION 18. IC 6-1.1-21-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. As used in this chapter:

(a) "Taxpayer" means a person who is liable for taxes on property assessed under this article.

(b) "Taxes" means taxes payable in respect to property assessed under this article. The term does not include special assessments, penalties, or interest, but does include any special charges which a county treasurer combines with all other taxes in the preparation and delivery of the tax statements required under IC 6-1.1-22-8(a).

(c) "Department" means the department of state revenue.

(d) "Auditor's abstract" means the annual report prepared by each county auditor which under IC 6-1.1-22-5, is to be filed on or before March 1 of each year with the auditor of state.

(e) "Mobile home assessments" means the assessments of mobile homes made under IC 6-1.1-7.

(f) "Postabstract adjustments" means adjustments in taxes made

subsequent to the filing of an auditor's abstract which change assessments therein or add assessments of omitted property affecting taxes for such assessment year.

(g) "Total county tax levy" means the sum of:

(1) the remainder of:

(A) the aggregate levy of all taxes for all taxing units in a county which are to be paid in the county for a stated assessment year as reflected by the auditor's abstract for the assessment year, adjusted, however, for any postabstract adjustments which change the amount of the aggregate levy; minus

(B) the sum of any increases in property tax levies of taxing units of the county that result from appeals described in:

(i) IC 6-1.1-18.5-13(5) and IC 6-1.1-18.5-13(6) filed after December 31, 1982; plus

(ii) the sum of any increases in property tax levies of taxing units of the county that result from any other appeals described in IC 6-1.1-18.5-13 filed after December 31, 1983; ~~plus~~

~~(iii) IC 6-1.1-18.6-3 (children in need of services and delinquent children who are wards of the county);~~ minus

(C) the total amount of property taxes imposed for the stated assessment year by the taxing units of the county under the authority of ~~IC 12-1-11.5 (repealed)~~; IC 12-2-4.5 (repealed) ~~IC 12-19-5~~ or IC 12-20-24; minus

(D) the total amount of property taxes to be paid during the stated assessment year that will be used to pay for interest or principal due on debt that:

(i) is entered into after December 31, 1983;

(ii) is not debt that is issued under IC 5-1-5 to refund debt incurred before January 1, 1984; and

(iii) does not constitute debt entered into for the purpose of building, repairing, or altering school buildings for which the requirements of IC 20-5-52 were satisfied prior to January 1, 1984; minus

(E) the amount of property taxes imposed in the county for the stated assessment year under the authority of IC 21-2-6 or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(F) the remainder of:

(i) the total property taxes imposed in the county for the stated assessment year under authority of IC 21-2-6 or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not initially established or

1 reestablished for a stated assessment year that succeeds the
2 1983 stated assessment year; minus
3 (ii) the total property taxes imposed in the county for the
4 1984 stated assessment year under the authority of IC 21-2-6
5 or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative
6 building fund whose property tax rate was not initially
7 established or reestablished for a stated assessment year that
8 succeeds the 1983 stated assessment year; minus
9 (G) the amount of property taxes imposed in the county for the
10 stated assessment year under:
11 (i) IC 21-2-15 for a capital projects fund; plus
12 (ii) IC 6-1.1-19-10 for a racial balance fund; plus
13 (iii) IC 20-14-13 for a library capital projects fund; plus
14 (iv) IC 20-5-17.5-3 for an art association fund; plus
15 (v) IC 21-2-17 for a special education preschool fund; plus
16 (vi) an appeal filed under IC 6-1.1-19-5.1 for an increase in
17 a school corporation's maximum permissible general fund
18 levy for certain transfer tuition costs; plus
19 (vii) an appeal filed under IC 6-1.1-19-5.4 for an increase in
20 a school corporation's maximum permissible general fund
21 levy for transportation operating costs; minus
22 (H) the amount of property taxes imposed by a school
23 corporation that is attributable to the passage, after 1983, of a
24 referendum for an excessive tax levy under IC 6-1.1-19,
25 including any increases in these property taxes that are
26 attributable to the adjustment set forth in ~~IC 6-1.1-19-1.5(a)~~
27 **IC 6-1.1-19-1.5(b)** STEP ONE or any other law; minus
28 (I) for each township in the county, the lesser of:
29 (i) the sum of the amount determined in IC 6-1.1-18.5-19(a)
30 STEP THREE or IC 6-1.1-18.5-19(b) STEP THREE,
31 whichever is applicable, plus the part, if any, of the
32 township's ad valorem property tax levy for calendar year
33 1989 that represents increases in that levy that resulted from
34 an appeal described in IC 6-1.1-18.5-13(5) filed after
35 December 31, 1982; or
36 (ii) the amount of property taxes imposed in the township for
37 the stated assessment year under the authority of
38 IC 36-8-13-4; minus
39 (J) for each participating unit in a fire protection territory
40 established under IC 36-8-19-1, the amount of property taxes
41 levied by each participating unit under IC 36-8-19-8 and
42 IC 36-8-19-8.5 less the maximum levy limit for each of the
43 participating units that would have otherwise been available
44 for fire protection services under IC 6-1.1-18.5-3 and
45 IC 6-1.1-18.5-19 for that same year; ~~minus~~
46 ~~(K) for each county, the sum of:~~

(i) the amount of property taxes imposed in the county for the repayment of loans under IC 12-19-5-6 that is included in the amount determined under IC 12-19-7-4(a) STEP SEVEN for property taxes payable in 1995; or for property taxes payable in each year after 1995, the amount determined under IC 12-19-7-4(b); and

(ii) the amount of property taxes imposed in the county attributable to appeals granted under IC 6-1.1-18.6-3 that is included in the amount determined under IC 12-19-7-4(a) STEP SEVEN for property taxes payable in 1995, or the amount determined under IC 12-19-7-4(b) for property taxes payable in each year after 1995; plus

(2) all taxes to be paid in the county in respect to mobile home assessments currently assessed for the year in which the taxes stated in the abstract are to be paid; plus

(3) the amounts, if any, of county adjusted gross income taxes that were applied by the taxing units in the county as property tax replacement credits to reduce the individual levies of the taxing units for the assessment year, as provided in IC 6-3.5-1.1; plus

(4) the amounts, if any, by which the maximum permissible ad valorem property tax levies of the taxing units of the county were reduced under IC 6-1.1-18.5-3(b) STEP EIGHT for the stated assessment year; plus

(5) the difference between:

(A) the amount determined in IC 6-1.1-18.5-3(e) STEP FOUR; minus

(B) the amount the civil taxing units' levies were increased because of the reduction in the civil taxing units' base year certified shares under IC 6-1.1-18.5-3(e).

(h) "December settlement sheet" means the certificate of settlement filed by the county auditor with the auditor of state, as required under IC 6-1.1-27-3.

(i) "Tax duplicate" means the roll of property taxes which each county auditor is required to prepare on or before March 1 of each year under IC 6-1.1-22-3.

SECTION 19. IC 6-1.1-29-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 9. (a) A county council may adopt an ordinance to abolish the county board of tax adjustment. This ordinance must be adopted by July 1 and may not be rescinded in the year it is adopted. Notwithstanding IC 6-1.1-17, IC 6-1.1-18, IC 6-1.1-19, ~~IC 12-19-3~~, ~~IC 12-19-7~~, IC 21-2-14, IC 36-8-6, IC 36-8-7, IC 36-8-7.5, IC 36-8-11, IC 36-9-3, IC 36-9-4, and IC 36-9-13, if such an ordinance is adopted, this section governs the treatment of tax rates, tax levies, and budgets that would otherwise be reviewed by a county board of tax adjustment under IC 6-1.1-17.

(b) The time requirements set forth in IC 6-1.1-17 govern all filings

1 and notices.

2 (c) A tax rate, tax levy, or budget that otherwise would be reviewed
3 by the county board of tax adjustment is considered and must be treated
4 for all purposes as if the county board of tax adjustment approved the
5 tax rate, tax levy, or budget. This includes the notice of tax rates that is
6 required under IC 6-1.1-17-12.

7 SECTION 20. IC 6-3.5-6-18.5 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 18.5. (a) This
9 section applies to a county containing a consolidated city.

10 (b) Notwithstanding section 18(e) of this chapter, the distributive
11 shares that each civil taxing unit in a county containing a consolidated
12 city is entitled to receive during a month equals the following:

13 (1) For the calendar year beginning January 1, 1995, calculate the
14 total amount of revenues that are to be distributed as distributive
15 shares during that month multiplied by the following factor:

16	Center Township	.0251
17	Decatur Township	.00217
18	Franklin Township	.0023
19	Lawrence Township	.01177
20	Perry Township	.01130
21	Pike Township	.01865
22	Warren Township	.01359
23	Washington Township	.01346
24	Wayne Township	.01307
25	Lawrence-City	.00858
26	Beech Grove	.00845
27	Southport	.00025
28	Speedway	.00722
29	Indianapolis/Marion County	.86409

30 (2) Notwithstanding subdivision (1), for the calendar year
31 beginning January 1, 1995, the distributive shares for each civil
32 taxing unit in a county containing a consolidated city shall be not
33 less than the following:

34	Center Township	\$1,898,145
35	Decatur Township	\$ 164,103
36	Franklin Township	\$ 173,934
37	Lawrence Township	\$ 890,086
38	Perry Township	\$ 854,544
39	Pike Township	\$1,410,375
40	Warren Township	\$1,027,721
41	Washington Township	\$1,017,890
42	Wayne Township	\$ 988,397
43	Lawrence-City	\$ 648,848
44	Beech Grove	\$ 639,017
45	Southport	\$ 18,906
46	Speedway	\$ 546,000

(3) For each year after 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month as follows:

STEP ONE: Determine the total amount of revenues that were distributed as distributive shares during that month in calendar year 1995.

STEP TWO: Determine the total amount of revenue that the department has certified as distributive shares for that month under section 17 of this chapter for the calendar year.

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

STEP FOUR: If the STEP THREE result is less than or equal to zero (0), multiply the STEP TWO result by the ratio established under subdivision (1).

STEP FIVE: Determine the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 ~~and IC 6-1.1-18.6~~ for each civil taxing unit for the calendar year in which the month falls; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 ~~and IC 6-1.1-18.6~~ for all civil taxing units of the county during the calendar year in which the month falls.

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision (1).

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 ~~and IC 6-1.1-18.6~~ for the qualifying civil taxing unit during the calendar year in which the month falls; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 ~~and IC 6-1.1-18.6~~ for all

1 qualifying civil taxing units of the county during the
2 calendar year in which the month falls.

3 SECTION 21. IC 12-7-2-45 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 45. "County
5 office" refers to a county office of family and children **within the**
6 **division of family and children.**

7 SECTION 22. IC 12-7-2-91 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 91. "Fund" means
9 the following:

- 10 (1) For purposes of IC 12-12-1-9, the fund described in
11 IC 12-12-1-9.
- 12 ~~(2) For purposes of IC 12-13-8, the meaning set forth in~~
13 ~~IC 12-13-8-1.~~
- 14 ~~(3)~~ (2) For purposes of IC 12-15-20, the meaning set forth in
15 IC 12-15-20-1.
- 16 ~~(4)~~ (3) For purposes of IC 12-17-12, the meaning set forth in
17 IC 12-17-12-4.
- 18 ~~(5)~~ (4) For purposes of IC 12-18-4, the meaning set forth in
19 IC 12-18-4-1.
- 20 ~~(6)~~ (5) For purposes of IC 12-18-5, the meaning set forth in
21 IC 12-18-5-1.
- 22 ~~(7) For purposes of IC 12-19-3, the meaning set forth in~~
23 ~~IC 12-19-3-1.~~
- 24 ~~(8) For purposes of IC 12-19-4, the meaning set forth in~~
25 ~~IC 12-19-4-1.~~
- 26 ~~(9) For purposes of IC 12-19-7, the meaning set forth in~~
27 ~~IC 12-19-7-2.~~
- 28 ~~(10)~~ (6) For purposes of IC 12-23-2, the meaning set forth in
29 IC 12-23-2-1.
- 30 ~~(11) For purposes of IC 12-24-6, the meaning set forth in~~
31 ~~IC 12-24-6-1.~~
- 32 ~~(12)~~ (7) For purposes of IC 12-24-14, the meaning set forth in
33 IC 12-24-14-1.
- 34 ~~(13)~~ (8) For purposes of IC 12-30-7, the meaning set forth in
35 IC 12-30-7-3.

36 SECTION 23. IC 12-7-2-95 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 95. (a)
38 "Grant-in-aid", for purposes of the statutes listed in subsection (b),
39 means any money paid by the federal government to the state ~~or any~~
40 **money paid by the state to a county** for the purpose of defraying any of
41 the expenses, claims, allowances, assistance, or obligations authorized
42 by this title.

- 43 (b) This section applies to the following statutes:
- 44 (1) IC 12-13.
 - 45 (2) IC 12-14.
 - 46 (3) IC 12-15.

- 1 (4) IC 12-17-1.
- 2 (5) IC 12-17-2.
- 3 (6) IC 12-17-3.
- 4 (7) IC 12-17-9.
- 5 (8) IC 12-17-10.
- 6 (9) IC 12-17-11.
- 7 ~~(10) IC 12-19.~~
- 8 SECTION 24. IC 12-7-2-200 IS AMENDED TO READ AS
- 9 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 200. (a)
- 10 "Warrant", for purposes of the statutes listed in subsection (b), means
- 11 an instrument that is:
- 12 (1) the equivalent of a money payment; and
- 13 (2) immediately convertible into cash by the payee for the full
- 14 face amount of the instrument.
- 15 (b) This section applies to the following statutes:
- 16 (1) IC 12-10-6.
- 17 (2) IC 12-13.
- 18 (3) IC 12-14.
- 19 (4) IC 12-15.
- 20 (5) IC 12-17-1.
- 21 (6) IC 12-17-9.
- 22 (7) IC 12-17-10.
- 23 (8) IC 12-17-11.
- 24 ~~(9) IC 12-19.~~
- 25 SECTION 25. IC 12-13-5-1 IS AMENDED TO READ AS
- 26 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. The division
- 27 shall administer or supervise the public welfare activities of the state.
- 28 The division has the following powers and duties:
- 29 (1) The administration of old age assistance, aid to dependent
- 30 children, and assistance to the needy blind and persons with
- 31 disabilities, excluding assistance to children with special health
- 32 care needs.
- 33 (2) The administration of the following:
- 34 (A) Any public child welfare service.
- 35 (B) The licensing and inspection under IC 12-17.2 and
- 36 IC 12-17.4.
- 37 (C) The care of dependent and neglected children in foster
- 38 family homes or institutions, especially children placed for
- 39 adoption or those born out of wedlock.
- 40 (D) The interstate placement of children.
- 41 (3) The provision of services to county governments, including
- 42 the following:
- 43 ~~(A) Organizing and supervising county offices for the~~
- 44 ~~effective administration of public welfare functions.~~
- 45 ~~(B)~~ (A) Compiling statistics and necessary information
- 46 concerning public welfare problems throughout Indiana.

- 1 ~~(C)~~ **(B)** Researching and encouraging research into crime,
2 delinquency, physical and mental disability, and the cause
3 of dependency.
- 4 (4) Prescribing the form of, printing, and supplying to the county
5 departments blanks for applications, reports, affidavits, and other
6 forms the division considers necessary and advisable.
- 7 (5) Cooperating with the federal Social Security Administration
8 and with any other agency of the federal government in any
9 reasonable manner necessary and in conformity with IC 12-13
10 through IC 12-19 to qualify for federal aid for assistance to
11 persons who are entitled to assistance under the federal Social
12 Security Act. The responsibilities include the following:
13 (A) Making reports in the form and containing the
14 information that the federal Social Security Administration
15 Board or any other agency of the federal government
16 requires.
17 (B) Complying with the requirements that a board or agency
18 finds necessary to assure the correctness and verification of
19 reports.
- 20 (6) Appointing from eligible lists established by the state
21 personnel board employees of the division necessary to
22 effectively carry out IC 12-13 through IC 12-19. The division
23 may not appoint a person who is not a citizen of the United
24 States and who has not been a resident of Indiana for at least one
25 (1) year immediately preceding the person's appointment unless
26 a qualified person cannot be found in Indiana for a position as a
27 result of holding an open competitive examination.
- 28 (7) Assisting the office of Medicaid policy and planning in fixing
29 fees to be paid to ophthalmologists and optometrists for the
30 examination of applicants for and recipients of assistance as
31 needy blind persons.
- 32 (8) When requested, assisting other departments, agencies,
33 divisions, and institutions of the state and federal government in
34 performing services consistent with this article.
- 35 (9) Acting as the agent of the federal government for the
36 following:
37 (A) In welfare matters of mutual concern under IC 12-13
38 through IC 12-19.
39 (B) In the administration of federal money granted to
40 Indiana in aiding welfare functions of the state government.
- 41 (10) Administering additional public welfare functions vested in
42 the division by law and providing for the progressive
43 codification of the laws the division is required to administer.
- 44 ~~(11) Transferring to each county that is required to submit a~~
45 ~~schedule under IC 12-19-1-9(d) an amount equal to the~~
46 ~~scheduled amount of the county's lease and rental obligations as~~

~~provided in IC 12-19-1-9.~~

~~(12)~~ **(11)** Supervising day care centers and child placing agencies.

~~(13)~~ **(12)** Supervising the licensing and inspection of all public child caring agencies.

~~(14)~~ **(13)** Supervising the care of delinquent children and children in need of services.

~~(15)~~ **(14)** Assisting juvenile courts as required by IC 31-30 through IC 31-40.

~~(16)~~ **(15)** Supervising the care of dependent children and children placed for adoption.

~~(17)~~ **(16)** Compiling information and statistics concerning the ethnicity and gender of a program or service recipient.

~~(18)~~ **(17)** Providing permanency planning services for children in need of services, including:

(A) making children legally available for adoption; and

(B) placing children in adoptive homes;

in a timely manner.

(18) Operating each county office as an administrative unit within the division.

SECTION 26. IC 12-13-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 3. The division may ~~do the following:~~

~~(1)~~ adopt rules under IC 4-22-2 and take action that is necessary or desirable to carry out IC 12-13 through IC 12-19 and that is not inconsistent with IC 12-13 through IC 12-19. Each county director shall keep copies of the rules on file available for inspection by any person interested.

~~(2) Under a division rule, designate county offices to serve as agents of the division in the performance of all public welfare activities in the county.~~

SECTION 27. IC 12-13-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 5. (a) Each county auditor shall keep records and make reports relating to the ~~county welfare fund, the family and children's fund, and other~~ financial transactions as required under IC 12-13 through IC 12-19 and as required by the division.

(b) All records provided for in IC 12-13 through IC 12-19 shall be kept, prepared, and submitted in the form required by the division and the state board of accounts.

SECTION 28. IC 12-13-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 8. (a) The treasurer of state may receive money:

(1) received from a source other than the federal Social Security Act;

~~(2) not received from taxes levied in the county; and~~

(3) (2) that under IC 12-13 through IC 12-19 the division and county offices are authorized to collect, receive, and administer.

(b) The treasurer of state may pay the money received under subsection (a) into the proper fund or the proper account of the state general fund, provide for the proper custody of the money, and make disbursements upon the order of the division and upon warrant of the auditor of state.

SECTION 29. IC 12-13-7-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 17. The part of the care and maintenance of the inmates of the Plainfield Juvenile Correctional Facility and the Indianapolis Juvenile Correctional Facility that under law is to be charged back to the counties shall be paid from the county general fund. ~~and not the county welfare fund or the county family and children's fund; unless otherwise provided by law.~~

SECTION 30. IC 12-13-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. The division shall ~~administer the state medical assistance to wards fund and shall use money in the fund to~~ defray the expenses and obligations incurred by the division for medical assistance to wards and associated administrative costs.

SECTION 31. IC 12-14-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. An application for a dependent child under this article must be made to the county office ~~of in~~ the county where the dependent child resides.

SECTION 32. IC 12-14-2-5.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 5.4. (a) Subject to IC 12-8-1-12 and except as provided in subsection (d), the AFDC grant for a person who:

(1) is eligible to receive assistance under section 5 of this chapter; and

(2) becomes employed (including a person who is in a program established under IC 12-8-11);

as calculated under subsection (b), must be diverted to subsidize child care costs.

(b) At:

(1) the time of entry into employment; and

(2) every subsequent change of status that affects the person's AFDC eligibility and assistance levels;

the person's AFDC grant minus earnings and other countable income must be calculated to determine the amount of the grant to be diverted to subsidize child care costs.

(c) A person's AFDC grant must be diverted as described in subsection (a) until:

(1) the person is no longer eligible for AFDC under section 5.1 of this chapter; or

(2) the person's monthly family income is equal to or exceeds one hundred percent (100%) of the monthly federal income poverty level;
 whichever occurs first.

(d) A person:

(1) who becomes employed (including a person who is in a program established under IC 12-8-11); and

(2) whose net income is equal to or more than the amount of need recognized under section 5 of this chapter;

has the option to receive either guaranteed child care or a cash payment equal to the amount of the AFDC grant for which the person qualifies immediately before the person becomes employed.

(e) The option under subsection (d) is available until:

(1) the person is no longer eligible for AFDC under section 5.1 of this chapter; or

(2) the person's monthly family income is equal to or exceeds one hundred percent (100%) of the monthly federal income poverty level;

whichever occurs first.

~~(f) An AFDC grant diverted under this section must be from the same sources and in the same proportion as provided in IC 12-19-6.~~

~~(g)~~ **(f)** The division may adopt rules under IC 4-22-2 to implement this section.

SECTION 33. IC 12-14-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 12. The county office shall notify the applicant ~~and the division~~ of the county office's decision concerning assistance in writing.

SECTION 34. IC 12-14-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 14. ~~Except in counties that are automated under IC 12-14-9.5,~~ Assistance shall be paid monthly to the recipient upon warrant of the county auditor from the county welfare fund upon a verified schedule of the recipients and the amount payable to each recipient prepared and verified by the county director; in accordance with the awards made by the county office. A schedule shall be filed in the form required by the division: **by the division.**

SECTION 35. IC 12-14-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. The county office shall prepare ~~four (4)~~ **three (3)** copies of the certificate.

SECTION 36. IC 12-14-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 4. The copies of the certificate shall be distributed as follows:

(1) One (1) copy retained by and filed in the office of the county office.

(2) One (1) copy filed with the **central office of the** division.

~~(3) One (1) copy filed in the office of the county auditor.~~

1 ~~(4)~~ **(3)** One (1) copy given to the recipient.

2 SECTION 37. IC 12-14-4-2 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. If a move
4 occurs, the county office **in the county** from which the recipient moves
5 shall:

- 6 (1) give written notice; and
7 (2) immediately transfer all of the records relating to the
8 recipient;
9 to the county office ~~of in~~ **in** the county to which the recipient has moved
10 or been taken.

11 SECTION 38. IC 12-14-4-3 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 3. The county
13 office ~~of in~~ **in** the county to which a child has moved or been taken is
14 responsible for determining the eligibility and the payment of
15 assistance to the recipient.

16 SECTION 39. IC 12-14-9-1 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. ~~Except in~~
18 ~~counties that are automated under IC 12-14-9.5, a county office shall~~
19 ~~monthly present claims for state reimbursement under IC 12-14-1~~
20 ~~through IC 12-14-9 to the division at the time and in the manner the~~
21 ~~division requires. Assistance shall be paid monthly to the recipient~~
22 ~~by warrant of the auditor of state from the state general fund after~~
23 ~~receipt of a schedule of the recipients, the amount payable to each~~
24 ~~recipient, and the purposes for the payment. The schedule must be~~
25 ~~prepared and verified by the director of the division or the~~
26 ~~director's designee according to the awards made by the division.~~
27 **All schedules must be filed in the form prescribed by the auditor of**
28 **state. Payment shall be made from the aid to dependent children**
29 **account of the state general fund.**

30 SECTION 40. IC 12-14-13-5 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 5. The copies of
32 the certificate shall be distributed as follows:

- 33 (1) One (1) copy retained by and filed in the **central office of**
34 **the division.**
35 (2) One (1) copy filed with the ~~state~~ **auditor of state.**
36 (3) One (1) copy filed in the office of the county recorder.
37 (4) One (1) copy given to the recipient.

38 SECTION 41. IC 12-14-20-1 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. (a) The
40 division may accept voluntary contributions from a person desiring to
41 contribute to the support of a parent or other person who receives
42 public assistance.

43 (b) The division shall deposit contributions made under this
44 section in the state ~~welfare~~ **general fund or a trust fund, as**
45 **appropriate.**

46 SECTION 42. IC 12-14-22-7 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 7. (a) A schedule
 2 of payments made to or for the benefit of each recipient under this
 3 article shall be filed by the ~~county office~~ **division** each month with the
 4 ~~county auditor and the~~ prosecuting attorney.

5 (b) The schedule shall be kept open to the public at all times for
 6 inspection, study, and securing data. The schedule must contain the
 7 names and addresses, in alphabetical order, of all recipients of benefits.

8 SECTION 43. IC 12-15-15-9 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 9. (a) For each
 10 state fiscal year beginning on or after July 1, 1997, a hospital is entitled
 11 to a payment under this section.

12 (b) Total payments to hospitals under this section for a state fiscal
 13 year shall be equal to all amounts transferred from the hospital care for
 14 the indigent fund for Medicaid current obligations during the state
 15 fiscal year, including amounts of the fund appropriated for Medicaid
 16 current obligations.

17 (c) The payment due to a hospital under this section must be based
 18 on a policy developed by the office. The policy:

19 (1) is not required to provide for equal payments to all hospitals;
 20 ~~(2) must attempt, to the extent practicable as determined by the~~
 21 ~~office, to establish a payment rate that minimizes the difference~~
 22 ~~between the aggregate amount paid under this section to all~~
 23 ~~hospitals in a county for a state fiscal year and the amount of the~~
 24 ~~county's hospital care for the indigent property tax levy for that~~
 25 ~~state fiscal year; and~~

26 ~~(3) (2) must provide that no hospital will receive a payment~~
 27 ~~under this section less than the amount the hospital received~~
 28 ~~under IC 12-15-15-8 for the state fiscal year ending June 30,~~
 29 ~~1997.~~

30 (d) Following the transfer of funds under subsection (b), an
 31 amount equal to the amount determined in the following STEPS shall
 32 be deposited in the Medicaid indigent care trust fund under
 33 IC 12-15-20-2(1) and used to pay the state's share of the enhanced
 34 disproportionate share payments to providers for the state fiscal year:

35 STEP ONE: Determine the difference between:

36 (A) the amount transferred from the state hospital care for
 37 the indigent fund under subsection (b); and

38 (B) thirty-five million dollars (\$35,000,000).

39 STEP TWO: Multiply the amount determined under STEP ONE
 40 by the federal medical assistance percentage for the state fiscal
 41 year.

42 SECTION 44. IC 12-16-4-1 IS AMENDED TO READ AS
 43 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. To receive
 44 payment from the division for the costs incurred in providing care to an
 45 indigent person, a hospital must file an application with the county
 46 office ~~of~~ **in** the county in which the hospital is located.

1 SECTION 45. IC 12-16-7-2 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. (a) Except as
 3 provided in section 5 of this chapter, claims for payment shall be
 4 segregated by year using the patient's admission date.

5 (b) ~~Each year the division shall pay claims as provided in section~~
 6 ~~4 of this chapter, without regard to the county of admission or that~~
 7 ~~county's transfer to the state fund.~~

8 SECTION 46. IC 12-16-7-3 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 3. A payment
 10 made to a hospital under the hospital care for the indigent program
 11 must be on a warrant drawn on the state ~~hospital care for the indigent~~
 12 ~~fund established by IC 12-16-14.~~ **general fund.**

13 SECTION 47. IC 12-16-7-4 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 4. (a) Each year
 15 the division shall pay two-thirds (2/3) of each claim upon submission
 16 and approval of the claim.

17 (b) If the amount of money in the state hospital care for the
 18 indigent fund in a year is insufficient to pay two-thirds (2/3) of each
 19 approved claim for patients admitted in that year, the state's ~~and a~~
 20 ~~county's~~ liability to providers under the hospital care for the indigent
 21 program for claims approved for patients admitted in that year is
 22 limited to the sum of the following:

23 (1) ~~The amount transferred to the state hospital care for the~~
 24 ~~indigent fund from county hospital care for the indigent funds in~~
 25 ~~that year under IC 12-16-14.~~

26 (2) (1) Any contribution to the fund in that year.

27 (3) (2) Any amount that was appropriated to the state hospital
 28 care for the indigent ~~fund~~ **program** for that year by the general
 29 assembly.

30 (4) Any amount that was carried over to the state hospital care
 31 for the indigent fund from a preceding year.

32 (c) ~~This section does not obligate the general assembly to~~
 33 ~~appropriate money to the state hospital care for the indigent fund.~~

34 SECTION 48. IC 12-16-7-5 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 5. Before the end
 36 of each state fiscal year, the division shall, to the extent there is money
 37 ~~in appropriated to the state hospital care for the indigent fund;~~
 38 **program**, pay each provider under the hospital care for the indigent
 39 program a pro rata part of the one-third (1/3) balance on each approved
 40 claim for patients admitted during the preceding year.

41 SECTION 49. IC 12-17-1-7 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 7. An application
 43 for assistance for a destitute child under this chapter must be made to
 44 the county office ~~of in~~ the county in which the destitute child resides.
 45 The application must be in writing. The division shall prescribe the
 46 manner and the form upon which the application must be made.

1 SECTION 50. IC 12-17-1-10 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 10. (a) Upon the
 3 completion of an investigation under section 9 of this chapter, the
 4 county office shall do the following:

5 (1) Determine whether the child is eligible for assistance under
 6 this chapter and the division's rules.

7 (2) Determine the amount of the assistance and the date on
 8 which the assistance is to begin.

9 (3) Make an award, including any subsequent modification of
 10 the award, with which the county office shall comply until the
 11 award or modified award is vacated.

12 (4) Notify the applicant and the division of the county office's
 13 decision in writing.

14 (b) The county office shall provide assistance to the recipient at
 15 least monthly upon warrant of the county auditor. The assistance must
 16 be

17 ~~(1) made from the county welfare fund; and~~

18 ~~(2) based upon a verified schedule of the recipients.~~

19 (c) The director of the county office shall prepare and verify the
 20 amount payable to the recipient, in relation to the awards made by the
 21 county office. The division shall prescribe the form upon which the
 22 schedule under subsection ~~(b)(2)~~ **(b)** must be filed.

23 SECTION 51. IC 12-17-1-12 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 12. (a) If
 25 assistance is granted to a destitute child under this chapter, facts
 26 supporting the award of assistance, as prescribed by the division, must
 27 be entered on a certificate.

28 (b) The division shall prescribe the form for the certificate under
 29 subsection (a). The certificate must bear the impress of the division's
 30 seal.

31 (c) The county office shall prepare ~~four (4)~~ **three (3)** copies of the
 32 certificate under subsection (a). The county office shall distribute
 33 copies of the certificate as follows:

34 (1) One (1) copy must be retained by the office of the county
 35 office.

36 (2) One (1) copy must be filed with and retained by the **central**
 37 **office of the** division.

38 ~~(3) One (1) copy must be filed with and retained by the office of~~
 39 ~~the county auditor.~~

40 ~~(4) (3)~~ One (1) copy must be given to the recipient.

41 SECTION 52. IC 12-17-3-2 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. ~~(a) This section~~
 43 ~~does not apply to a county department's:~~

44 ~~(1) administrative expenses; or~~

45 ~~(2) expenses regarding facilities, supplies, and equipment.~~

46 ~~(b)~~ Necessary expenses incurred in the administration of the child

1 welfare services under section 1 of this chapter shall be paid out of the
 2 ~~county welfare fund or the county family and children's state general~~
 3 ~~fund. (whichever is appropriate):~~

4 SECTION 53. IC 12-19-1-1 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. A county office
 6 of family and children is established in each county **as an office within**
 7 **the division of family and children.**

8 SECTION 54. IC 12-19-1-9 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 9. (a) The
 10 division shall provide the necessary facilities to house the county
 11 office.

12 (b) The division shall pay for the costs of the facilities, supplies,
 13 and equipment needed by each county office. ~~including the transfer to~~
 14 ~~the county that is required by IC 12-13-5.~~

15 (c) ~~Each county is responsible for the payment of the county's~~
 16 ~~lease and rental obligations for office space used by the county office~~
 17 ~~it:~~

18 (1) ~~the county entered into the lease or rental agreement before~~
 19 ~~January 1, 1987; and~~

20 (2) ~~the lease or rental agreement requires the county to pay for~~
 21 ~~office space that will be used by the county office.~~

22 (d) Each county that has a rental or lease obligation described in
 23 subsection (c) shall provide to the division a lease or rental payment
 24 schedule showing the date and amount of each payment.

25 SECTION 55. IC 12-19-1-10 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 10. (a) ~~Subject to~~
 27 ~~the rules adopted by the director of~~ The division a county office shall
 28 administer the following **through a county office:**

29 (1) Assistance to dependent children in the homes of the
 30 dependent children.

31 (2) Assistance and services to elderly persons.

32 (3) Assistance to persons with disabilities.

33 (4) Care and treatment of the following persons:

34 (A) Children in need of services.

35 (B) Dependent children.

36 (C) Children with disabilities.

37 (5) Licensing of foster family homes for the placement of
 38 children in need of services.

39 (6) Supervision of the care and treatment of children in need of
 40 services in foster family homes.

41 (7) Licensing of foster family homes for the placement of
 42 delinquent children.

43 (8) Supervision of the care and treatment of delinquent children
 44 in foster family homes.

45 (9) Provision of family preservation services.

46 (10) Any other welfare activities that are delegated to the county

office by the division under this chapter, including services concerning assistance to the blind.

(b) The division shall pay the expenses and obligations incurred after December 31, 1999, to carry out responsibilities of the county office.

SECTION 56. IC 12-19-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 13. (a) A county office **or the division** may sue and be sued under the name of "The County Office of Family and Children of _____ County".

(b) The county office has all other rights and powers and shall perform all other duties necessary to administer this chapter.

(c) A suit brought against **the division that involves** a county office may be filed in the following:

(1) The circuit court with jurisdiction in the county.

(2) A superior court or any other court of the county.

(d) A notice or summons in a suit brought against the **division that involves** a county office must be served on the county director **or the director of the division of family and children**. It is not required to name the individual employees of the county office as either plaintiff or defendant.

SECTION 57. IC 12-19-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 14. (a) A county office may charge the following adoption fees:

(1) An adoption placement fee that may not exceed the actual costs incurred by the county office for medical expenses of children and mothers.

(2) A fee that does not exceed the time and travel costs incurred by the county office for home study and investigation concerning a contemplated adoption.

(b) Fees charged under this section shall be deposited in a separate account in the ~~county state~~ welfare trust clearance fund established under section 16 of this chapter. Money deposited under this subsection ~~shall be expended by~~ **is annually appropriated to** the county office for the following purposes: ~~without further appropriation:~~

(1) The care of children whose adoption is contemplated.

(2) The improvement of adoption services provided by the county departments.

(c) The director of the division may adopt rules governing the expenditure of money under this section.

(d) The division may provide written authorization allowing a county office to reduce or waive charges authorized under this section in hardship cases or for other good cause after investigation. The division may adopt forms on which the written authorization is provided.

SECTION 58. IC 12-19-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 16. (a) ~~This~~

section does not apply to money received to reimburse the county welfare fund for expenditures made from the appropriations of the county office. **The state welfare trust clearance fund is established. The fund shall be administered by the division. Money in the fund at the end of a state fiscal year does not revert to the state general fund.**

(b) A county office may receive and administer money available to or for the benefit of a person receiving payments or services from the county office. The following applies to all money received under this section:

(1) The money shall be kept in a special fund known as the ~~county~~ **state** welfare trust clearance fund and may not be commingled with any other fund or with money received from taxation.

(2) The money may be expended by the county office in any manner consistent with the following:

(A) The purpose of the ~~county~~ **state** welfare trust clearance fund or with the intention of the donor of the money.

(B) Indiana law.

(C) The policies of the division.

SECTION 59. IC 12-19-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 18. (a) After petition to and with the approval of the judge of the circuit court, ~~a county office~~ **the division** may take the actions described in subsection (b) if:

(1) an applicant for public assistance is physically or mentally incapable of completing an application for assistance; or

(2) a recipient of public assistance:

(A) is incapable of managing the recipient's affairs; or

(B) refuses to:

(i) take care of the recipient's money properly; or

(ii) comply with the director of the division's rules and policies.

(b) If the conditions of subsection (a) are satisfied, the ~~county office~~ **division** may designate a responsible person to do the following:

(1) Act for the applicant or recipient.

(2) Receive on behalf of the recipient the assistance the recipient is eligible to receive under any of the following:

(A) This chapter.

(B) IC 12-10-6.

(C) IC 12-14-1 through IC 12-14-9.

(D) IC 12-14-13 through IC 12-14-19.

(E) IC 12-15.

(F) IC 12-17-1 through IC 12-17-3.

(G) IC 16-35-2.

(c) A fee for services provided under this section may be paid to

the responsible person in an amount not to exceed ten dollars (\$10) each month. The fee may be allowed:

- (1) in the monthly assistance award; or
- (2) by vendor payment if the fee would cause the amount of assistance to be increased beyond the maximum amount permitted by statute.

SECTION 60. IC 12-19-1-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: **Sec. 21. (a) As used in this chapter, "child services" means child welfare services specifically provided for children who:**

- (1) are adjudicated to be:**
 - (A) children in need of services; or**
 - (B) delinquent children; or**
- (2) are recipients of or are eligible for:**
 - (A) informal adjustments;**
 - (B) service referral agreements; and**
 - (C) adoption assistance;**

including the costs of using an institution or facility for providing educational services as described in either IC 20-8.1-3-36 (if applicable) or IC 20-8.1-6.1-8 (if applicable), all services required to be paid by the division under IC 31-40-1, and all costs required to be paid by the division under IC 20-8.1-6.1-7.

(b) The division shall pay the expenses and obligations incurred after December 31, 1999, to deliver child services.

SECTION 61. IC 12-19-1-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 22. (a) This section applies notwithstanding the repeal of IC 12-19-3 through IC 12-19-7 (effective January 1, 2000).**

(b) All bonds issued under IC 12-1-11 (before its repeal) or this article before January 1, 2000, or under subsection (c):

- (1) are direct general obligations of the county issuing the bonds; and**
- (2) are payable out of unlimited ad valorem taxes that shall be levied and collected on all the taxable property within the county.**

(c) If the county welfare fund established under IC 12-19-3 (repealed January 1, 2000) or family and children's fund established under IC 12-19-7 (repealed January 1, 2000) is exhausted before January 1, 2000, the county may obtain loans and issue bonds under IC 12-19-3 or IC 12-19-7, as appropriate, to provide money for the fund as if IC 12-19-3 and IC 12-19-7 had not been repealed.

(d) Each official and body responsible for the levying of taxes for the county must ensure that sufficient levies are made to meet

1 **the principal and interest on the bonds at the time fixed for the**
 2 **payment of the principal and interest, without regard to any other**
 3 **statute. If an official or a body fails or refuses to make or allow a**
 4 **sufficient levy required by this section, the bonds and the interest**
 5 **on the bonds shall be payable out of the general fund of the county**
 6 **without appropriation.**

7 SECTION 62. IC 16-33-3-10 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 10. Whenever the
 9 circuit court having jurisdiction finds, upon application by the county
 10 office of family and children, that the parent or guardian of a client
 11 placed in the center is unable to meet the costs that the parent or
 12 guardian is required to pay for the services of the center, the court shall
 13 order payment of the costs ~~from the county general fund~~ **by the**
 14 **division of family and children.**

15 SECTION 63. IC 16-33-4-17 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 17. (a) Each child,
 17 the estate of the child, the parent or parents of the child, or the guardian
 18 of the child, individually or collectively, are liable for the payment of
 19 the costs of maintenance of the child of up to one hundred percent
 20 (100%) of the per capita cost, except as otherwise provided. The cost
 21 shall be computed annually by dividing the total annual cost of
 22 operation for the fiscal year, exclusive of the cost of education
 23 programs, construction, and equipment, by the total child days each
 24 year. The maintenance cost shall be referred to as maintenance charges.
 25 The charge may not be levied against any of the following:

26 (1) The division of family and children or ~~the county office of~~
 27 **family and children to be derived from** county tax sources.

28 (2) A child orphaned by reason of the death of the natural
 29 parents.

30 (b) The billing and collection of the maintenance charges as
 31 provided for in subsection (a) shall be made by the superintendent of
 32 the home based on the per capita cost for the preceding fiscal year. All
 33 money collected shall be deposited in a fund to be known as the
 34 Indiana soldiers' and sailors' children's home maintenance fund. The
 35 fund shall be used by the state health commissioner for the:

36 (1) preventative maintenance; and

37 (2) repair and rehabilitation;

38 of buildings of the home that are used for housing, food service, or
 39 education of the children of the home.

40 (c) The superintendent of the home may, with the approval of the
 41 state health commissioner, agree to accept payment at a lesser rate than
 42 that prescribed in subsection (a). The superintendent of the home shall,
 43 in determining whether or not to accept the lesser amount, take into
 44 consideration the amount of money that is necessary to maintain or
 45 support any member of the family of the child. All agreements to
 46 accept a lesser amount are subject to cancellation or modification at

any time by the superintendent of the home with the approval of the state health commissioner.

(d) A person who has been issued a statement of amounts due as maintenance charges may petition the superintendent of the home for a release from or modification of the statement and the superintendent shall provide for hearings to be held on the petition. The superintendent of the home may, with the approval of the state health commissioner and after the hearing, cancel or modify the former statement and at any time for due cause may increase the amounts due for maintenance charges to an amount not to exceed the maximum cost as determined under subsection (a).

(e) The superintendent of the home may arrange for the establishment of a graduation or discharge trust account for a child by arranging to accept a lesser rate of maintenance charge. The trust fund must be of sufficient size to provide for immediate expenses upon graduation or discharge.

(f) The superintendent may make agreements with instrumentalities of the federal government for application of any monetary awards to be applied toward the maintenance charges in a manner that provides a sufficient amount of the periodic award to be deposited in the child's trust account to meet the immediate personal needs of the child and to provide a suitable graduation or discharge allowance. The amount applied toward the settlement of maintenance charges may not exceed the amount specified in subsection (a).

(g) The superintendent of the home may do the following:

(1) Investigate, either with the superintendent's own staff or on a contractual or other basis, the financial condition of each person liable under this chapter.

(2) Make determinations of the ability of:

(A) the estate of the child;

(B) the legal guardian of the child; or

(C) each of the responsible parents of the child;

to pay maintenance charges.

(3) Set a standard as a basis of judgment of ability to pay that shall be recomputed periodically to do the following:

(A) Reflect changes in the cost of living and other pertinent factors.

(B) Provide for unusual and exceptional circumstances in the application of the standard.

(4) Issue to any person liable under this chapter statements of amounts due as maintenance charges, requiring the person to pay monthly, quarterly, or otherwise as may be arranged, an amount not exceeding the maximum cost as determined under this chapter.

SECTION 64. IC 20-8.1-3-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 36. (a) It is

unlawful for a person operating or responsible for an educational, correctional, charitable, or benevolent institution or training school to fail to ensure that a child under his authority attends school as required under this chapter. Each day of violation of this section constitutes a separate offense.

(b) If a child is placed in an institution or facility under a court order, the institution or facility shall charge the ~~county office of the county of the student's legal settlement under IC 12-19-7~~ **division of family and children** for the use of the space within the institution or facility (commonly called capital costs) that is used to provide educational services to the child based upon a prorated per student cost.

SECTION 65. IC 20-8.1-6.1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 7. (a) If a student is transferred under section 2 of this chapter from a school corporation in Indiana to a public school corporation in another state, the transferor corporation shall pay the transferee corporation the full tuition fee charged by the transferee corporation. However, the amount of the full tuition fee must not exceed the amount charged by the transferor corporation for the same class of school, or if the school has no such classification, the amount must not exceed the amount charged by the geographically nearest school corporation in Indiana which has such classification.

(b) If a child is:

- (1) placed by a court order in an out-of-state institution or other facility; and
- (2) provided all educational programs and services by a public school corporation in the state where the child is placed, whether at the facility, the public school, or another location;

the ~~county office~~ **division of family and children** for the ~~county~~ placing the child shall pay from the ~~county family and children's fund~~ to the public school corporation in which the child is enrolled the amount of transfer tuition specified in subsection (c).

(c) The transfer tuition for which a ~~county office~~ **the division of family and children** is obligated under subsection (b) is equal to the following:

- (1) The amount under a written agreement among the ~~county office~~, **division of family and children**, the institution or other facility, and the governing body of the public school corporation in the other state that specifies the amount and method of computing transfer tuition.
- (2) The full tuition fee charged by the transferee corporation, if subdivision (1) does not apply. However, the amount of the full tuition fee must not exceed the amount charged by the transferor corporation for the same class of school, or if the school has no such classification, the amount must not exceed the amount charged by the geographically nearest school corporation in

- 1 Indiana which has such classification.
- 2 (d) If a child is:
- 3 (1) placed by a court order in an out-of-state institution or other
- 4 facility; and
- 5 (2) provided:
- 6 (A) onsite educational programs and services either through
- 7 the facility's employees or by contract with another person
- 8 or organization that is not a public school corporation; or
- 9 (B) educational programs and services by a nonpublic
- 10 school;
- 11 the ~~county office division~~ of family and children ~~for the county placing~~
- 12 ~~the child~~ shall pay ~~from the county family and children's fund in~~ an
- 13 amount ~~and~~ in the manner specified in a written agreement between the
- 14 ~~county office division~~ and the institution or other facility.
- 15 (e) ~~An agreement described in subsection (c) or (d) is subject to~~
- 16 ~~the approval of the director of the division of family and children.~~
- 17 ~~However,~~ For purposes of IC 4-13-2, ~~the an~~ agreement **described in**
- 18 **subsection (c) or (d)** shall not be treated as a contract.
- 19 SECTION 66. IC 20-8.1-6.1-8 IS AMENDED TO READ AS
- 20 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 8. (a) As used in
- 21 this section, the following terms have the following meanings:
- 22 (1) "Class of school" refers to a classification of each school or
- 23 program in the transferee corporation by the grades or special
- 24 programs taught at the school. Generally, these classifications
- 25 are denominated as kindergarten, elementary school, middle
- 26 school or junior high school, high school, and special schools or
- 27 classes, such as schools or classes for special education,
- 28 vocational training, or career education.
- 29 (2) "ADM" means the following:
- 30 (A) For purposes of allocating to a transfer student state
- 31 distributions under IC 21-1-30 (primetime), "ADM" as
- 32 computed under IC 21-1-30-2.
- 33 (B) For all other purposes, "ADM" as set forth in
- 34 IC 21-3-1.6-1.1.
- 35 (3) "Pupil enrollment" means the following:
- 36 (A) The total number of students in kindergarten through
- 37 grade 12 who are enrolled in a transferee school corporation
- 38 on a date determined by the Indiana state board of
- 39 education.
- 40 (B) The total number of students enrolled in a class of
- 41 school in a transferee school corporation on a date
- 42 determined by the Indiana state board of education.
- 43 However, a kindergarten student shall be counted under clauses
- 44 (A) and (B) as one-half (1/2) a student.
- 45 (4) "Special equipment" means equipment that during a school
- 46 year:

- 1 (A) is used only when a child with disabilities is attending
- 2 school;
- 3 (B) is not used to transport a child to or from a place where
- 4 the child is attending school;
- 5 (C) is necessary for the education of each child with
- 6 disabilities that uses the equipment, as determined under the
- 7 individualized instruction program for the child; and
- 8 (D) is not used for or by any child who is not a child with
- 9 disabilities.

10 The Indiana state board of education may select a different date for
 11 counts under subdivision (3). However, the same date shall be used for
 12 all school corporations making a count for the same class of school.

13 (b) Each transferee corporation is entitled to receive for each
 14 school year on account of each transferred student, except a student
 15 transferred under section 3 of this chapter, transfer tuition from the
 16 transferor corporation or the state as provided in this chapter. Transfer
 17 tuition equals the amount determined under STEP THREE of the
 18 following formula:

19 STEP ONE: Allocate to each transfer student the capital
 20 expenditures for any special equipment used by the transfer
 21 student and a proportionate share of the operating costs incurred
 22 by the transferee school for the class of school where the transfer
 23 student is enrolled.

24 STEP TWO: If the transferee school included the transfer
 25 student in the transferee school's ADM for a school year, allocate
 26 to the transfer student a proportionate share of the following
 27 general fund revenues of the transferee school for, except as
 28 provided in clause (C), the calendar year in which the school
 29 year ends:

30 (A) The following state distributions that are computed in
 31 any part using ADM or other pupil count in which the
 32 student is included:

- 33 (i) Primetime grant under IC 21-1-30.
- 34 (ii) Tuition support for basic programs and at-risk
- 35 weights under IC 21-3-1.7-8 (before January 1, 1996)
- 36 and only for basic programs (after December 31,
- 37 1995).
- 38 (iii) Enrollment growth grant under IC 21-3-1.7-9.5.
- 39 (iv) At-risk grant under IC 21-3-1.7-9.7.
- 40 (v) Academic honors diploma award under
- 41 IC 21-3-1.7-9.8.
- 42 (vi) Vocational education grant under IC 21-3-1.8-3.
- 43 (vii) Special education grant under ~~IC 21-3-1.8~~
- 44 **IC 21-3-1.8-2** (repealed January 1, 1996) or
- 45 IC 21-3-10.
- 46 (viii) The portion of the ADA flat grant that is

1 available for the payment of general operating
2 expenses under IC 21-3-4.5-2(b)(1).

3 (B) For school years beginning after June 30, 1997,
4 property tax levies.

5 (C) For school years beginning after June 30, 1997, excise
6 tax revenue (as defined in IC 21-3-1.7-2) received for
7 deposit in the calendar year in which the school year begins.

8 (D) For school years beginning after June 30, 1997,
9 allocations to the transferee school under IC 6-3.5.

10 STEP THREE: Determine the greater of:

11 (A) zero (0); or

12 (B) the result of subtracting the STEP TWO amount from
13 the STEP ONE amount.

14 If a child is placed in an institution or facility in Indiana under a court
15 order, the institution or facility shall charge the ~~county office of the~~
16 ~~county of the student's legal settlement under IC 12-19-7~~ **division of**
17 **family and children** for the use of the space within the institution or
18 facility (commonly called capital costs) that is used to provide
19 educational services to the child based upon a prorated per student cost.

20 (c) Operating costs shall be determined for each class of school
21 where a transfer student is enrolled. The operating cost for each class
22 of school is based on the total expenditures of the transferee
23 corporation for the class of school from its general fund expenditures
24 as specified in the classified budget forms prescribed by the state board
25 of accounts. This calculation excludes:

26 (1) capital outlay;

27 (2) debt service;

28 (3) costs of transportation;

29 (4) salaries of board members;

30 (5) contracted service for legal expenses; and

31 (6) any expenditure which is made out of the general fund from
32 extracurricular account receipts;

33 for the school year.

34 (d) The capital cost of special equipment for a school year is equal
35 to:

36 (1) the cost of the special equipment; divided by

37 (2) the product of:

38 (A) the useful life of the special equipment, as determined
39 under the rules adopted by the Indiana state board of
40 education; multiplied by

41 (B) the number of students using the special equipment
42 during at least part of the school year.

43 (e) When an item of expense or cost described in subsection (c)
44 cannot be allocated to a class of school, it shall be prorated to all
45 classes of schools on the basis of the pupil enrollment of each class in
46 the transferee corporation compared to the total pupil enrollment in the

1 school corporation.

2 (f) Operating costs shall be allocated to a transfer student for each
3 school year by dividing:

4 (1) the transferee school corporation's operating costs for the
5 class of school in which the transfer student is enrolled; by

6 (2) the pupil enrollment of the class of school in which the
7 transfer student is enrolled.

8 When a transferred student is enrolled in a transferee corporation for
9 less than the full school year of pupil attendance, the transfer tuition
10 shall be calculated by the portion of the school year for which the
11 transferred student is enrolled. A school year of pupil attendance
12 consists of the number of days school is in session for pupil attendance.
13 A student, regardless of the student's attendance, is enrolled in a
14 transferee school unless the student is no longer entitled to be
15 transferred because of a change of residence, because the student has
16 been excluded or expelled from school for the balance of the school
17 year or for an indefinite period, or because the student has been
18 confirmed to have withdrawn from school. The transferor and the
19 transferee corporation may enter into written agreements concerning
20 the amount of transfer tuition due in any school year. Where an
21 agreement cannot be reached, the amount shall be determined by the
22 Indiana state board of education and costs may be established, when in
23 dispute, by the state board of accounts.

24 (g) A transferee school shall allocate revenues described in
25 subsection (b) STEP TWO to a transfer student by dividing:

26 (1) the total amount of revenues received; by

27 (2) the ADM of the transferee school for the school year that
28 ends in the calendar year in which the revenues are received.

29 However, for state distributions under IC 21-1-30, IC 21-3-10, or any
30 other statute that computes the amount of a state distribution using less
31 than the total ADM of the transferee school, the transferee school shall
32 allocate the revenues to the transfer student by dividing the revenues
33 that the transferee school is eligible to receive in a calendar year by the
34 pupil count used to compute the state distribution.

35 (h) In lieu of the payments provided in subsection (b), the
36 transferor corporation or state owing transfer tuition may enter into a
37 long term contract with the transferee corporation governing the
38 transfer of students. This contract is for a maximum period of five (5)
39 years with an option to renew and may specify a maximum number of
40 pupils to be transferred and fix a method for determining the amount
41 of transfer tuition and the time of payment, which may be different
42 from that provided in section 9 of this chapter.

43 (i) If the school corporation can meet the requirements of
44 IC 21-1-30-5, it may negotiate transfer tuition agreements with a
45 neighboring school corporation that can accommodate additional
46 students. Agreements under this section may be for one (1) year or

longer and may fix a method for determining the amount of transfer tuition or time of payment that is different from the method, amount, or time of payment that is provided in this section or section 9 of this chapter. A school corporation may not transfer a student under this section without the prior approval of the child's parent or guardian.

(j) If a school corporation experiences a net financial impact with regard to transfer tuition that is negative for a particular school year as described in IC 6-1.1-19-5.1, the school corporation may appeal for an excessive levy as provided under IC 6-1.1-19-5.1.

SECTION 67. IC 20-8.1-6.1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 12. (a) Annually before the date specified in the rules adopted by the Indiana state board of education, each school corporation shall report the information specified in subsection (b) for each student:

- (1) for whom tuition support is paid by another school corporation;
 - (2) for whom tuition support is paid by the state; and
 - (3) who is enrolled in the school corporation but has the equivalent of a legal settlement in another state or country;
- to the county office (as defined in IC 12-7-2-45) for the county in which the principal office of the school corporation is located and to the department of education.

(b) Each school corporation shall provide the following information for each school year beginning with the school year beginning July 1, 1994, for each category of student described in subsection (a):

- (1) The amount of tuition support and other support received for the students described in subsection (a).
- (2) The operating expenses, as determined under section 8 of this chapter, incurred for the students described in subsection (a).
- (3) Special equipment expenditures that are directly related to educating students described in subsection (a).
- (4) The number of transfer students described in subsection (a).
- (5) Any other information required under the rules adopted by the Indiana state board of education after consultation with the office of the secretary of family and social services.

(c) The information required under this section shall be reported in the format and on the forms specified by the Indiana state board of education.

(d) Not later than November 30 of each year beginning after December 31, 1994, the department of education shall compile the information required from school corporations under this section and submit the compiled information in the form specified by the office of the secretary of family and social services to the office of the secretary of family and social services.

(e) Not later than November 30 of each year beginning after

December 31, 1994, each county office shall submit the following information to the office of the secretary of family and social services for each child who is described in ~~IC 12-19-7-1(1)~~ **IC 12-19-1-21(a)(1)** and is placed in another state or is a student in a school outside the school corporation where the child has legal settlement:

(1) The name of the child.

(2) The name of the school corporation where the child has legal settlement.

(3) The last known address of the custodial parent or guardian of the child.

(4) Any other information required by the office of the secretary of family and social services.

(f) Not later than December 31 of each year beginning after December 31, 1994, the office of the secretary of family and social services shall submit a report to the members of the budget committee and the executive director of the legislative services agency that compiles and analyzes the information required from school corporations under this section. The report shall identify the types of state and local funding changes that are needed to provide adequate state and local money to educate transfer students.

SECTION 68. IC 31-19-26-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. (a) When a petition for adoption is filed seeking a subsidy and the payment of a subsidy is ordered by the court, the order must contain the following information:

(1) Whether a subsidy will be paid under section 2 or 3 of this chapter, or both.

(2) The amount of each subsidy to be paid.

(3) If a subsidy will be paid under section 3 of this chapter, the condition or cause covered by the subsidy.

(4) Any condition for the continued payment of a subsidy other than a requirement set forth in this chapter.

(b) The ~~county office~~ **division** of family and children ~~of the county responsible for foster care of an adoptive child~~ may be ordered to pay either or both of the subsidies under this chapter to the adoptive parents or designated payees to the extent that money is available.

SECTION 69. IC 31-40-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. This article applies to a financial burden sustained by **the state and** a county as the result of costs paid ~~by the county~~ under section 2 of this chapter, including costs resulting from the institutional placement of a child adjudicated a delinquent child or a child in need of services.

SECTION 70. IC 31-40-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. (a) The ~~county~~ **state** shall pay the cost of:

(1) any services ordered by the juvenile court for any child or the

1 child's parent, guardian, or custodian; and

2 (2) returning a child under IC 31-37-23;

3 **except for probation, guardian ad litem, and court appointed**
 4 **special advocate services. The county shall pay the cost of**
 5 **probation, guardian ad litem, and court appointed special advocate**
 6 **services.**

7 (b) The **state and the** county fiscal body shall provide sufficient
 8 money to meet the court's requirements.

9 (c) The child's parent or the guardian of the estate of a child shall
 10 reimburse the **state and** county for the costs paid under subsection (a)
 11 (or IC 31-6-4-18(b) before its repeal) as provided under this article.

12 (d) After receiving a petition for reimbursement from **the state or**
 13 a county that has paid for services under subsection (a) (or
 14 IC 31-6-4-18(b) before its repeal), the court shall hold a hearing to
 15 determine whether to order reimbursement by the child's parents or the
 16 guardian of the child's estate to the **state or** county, **or both**, as
 17 described under this article.

18 SECTION 71. IC 31-40-1-4 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 4. The parent or
 20 guardian of the estate of any child returned to Indiana under the
 21 interstate compact on juveniles under IC 31-37-23 shall reimburse the
 22 **state and** county for all costs involved in returning the child that the
 23 court orders the parent or guardian to pay under section 3 of this
 24 chapter (or IC 31-6-4-18(e) before its repeal) whether or not the child
 25 has been adjudicated a delinquent child or a child in need of services.

26 SECTION 72. IC 31-40-1-5 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 5. (a) Whenever
 28 the court orders institutional placement of a child:

29 (1) the court shall refer to the child support guidelines adopted
 30 by the Indiana supreme court to determine the financial
 31 contribution required from each parent of the child or the
 32 guardian of the child's estate;

33 (2) the court shall order support paid by each of the child's
 34 parents or the guardian of the child's estate, except as provided
 35 under section 3 of this chapter; and

36 (3) if an existing support order is in effect, the court shall order
 37 support payments to be assigned to the county office of family
 38 and children for the duration of the institutional placement.

39 (b) When implementing this section, the ~~county office~~ **division of**
 40 family and children shall:

41 (1) comply with 45 CFR 302.52 and 45 CFR 303.2; and

42 (2) remit all other support payments to the ~~county~~ **state** general
 43 fund.

44 (c) A support order entered under subsection (a) (or
 45 IC 31-6-4-18(f) before its repeal) shall be paid through the clerk of the
 46 circuit court as trustee for remittance to the ~~county~~ **state**.

(d) The ~~county office~~ **division** of family and children shall monitor the enforcement of support orders under subsection (a).

(e) The ~~county prosecuting~~ attorney for the ~~office of family and children~~ **county** shall seek enforcement of the support orders.

SECTION 73. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2000]: IC 6-1.1-17-18; IC 6-1.1-18.6; IC 12-7-2-117; IC 12-13-7-10; IC 12-13-7-11; IC 12-13-7-14; IC 12-13-7-15; IC 12-13-7-16; IC 12-13-7-20; IC 12-13-8; IC 12-13-9-1; IC 12-13-9-3; IC 12-13-9-4; IC 12-14-2-13; IC 12-14-9-2; IC 12-14-9-3; IC 12-14-9.5; IC 12-15-1-2; IC 12-15-1-3; IC 12-16-14; IC 12-16-15; IC 12-17-1-15; IC 12-17-3-3; IC 12-19-1-15; IC 12-19-1-17; IC 12-19-3; IC 12-19-4; IC 12-19-5; IC 12-19-6; IC 12-19-7; IC 12-24-6; IC 12-24-9-2; IC 12-24-9-3; IC 12-24-9-4; IC 12-24-13-6; IC 16-35-3; IC 16-35-4.

SECTION 74. [EFFECTIVE JULY 1, 1999] (a) As used in this SECTION, "county office property tax levies" means the property tax levies under or for any of the following:

- (1) IC 12-13-8 (county medical assistance to wards fund).
- (2) IC 12-16-14 (county hospital care for the indigent fund).
- (3) IC 12-19-3 (county welfare fund and tax levy).
- (4) IC 12-19-4 (county welfare administration fund and tax levy).
- (5) IC 12-19-7 (county family and children's fund).
- (6) IC 16-35-3 (children with special health care needs county fund and tax levy).

(b) Notwithstanding any other law, after December 31, 1999, the state shall fund one hundred percent (100%) of the programs, services, and activities paid from county office property tax levies before January 1, 2000.

(c) Notwithstanding any other law, after December 31, 2000, a county may not impose a county office property tax levy. The maximum permissible levy for any fund:

- (1) that is not terminated after December 31, 1999; and
- (2) for which a county office property tax levy was imposed before January 1, 2000;

shall be reduced to eliminate the part of the maximum levy related to a county office property tax levy before January 1, 2000.

SECTION 75. [EFFECTIVE JULY 1, 1999] (a) As used in this SECTION, "county office property tax levies" means the property tax levies under or for any of the following:

- (1) IC 12-13-8 (county medical assistance to wards fund).
- (2) IC 12-16-14 (county hospital care for the indigent fund).
- (3) IC 12-19-3 (county welfare fund and tax levy).
- (4) IC 12-19-4 (county welfare administration fund and tax levy).
- (5) IC 12-19-7 (county family and children's fund).

(6) IC 16-35-3 (children with special health care needs county fund and tax levy).

(b) As used in this SECTION, "miscellaneous revenue" means tax revenue that is distributed under:

- (1) the bank tax (IC 6-5-10);
- (2) the savings and loan association tax (IC 6-5-11);
- (3) the production credit association tax (IC 6-5-12);
- (4) the financial institutions tax (IC 6-5.5); or
- (5) any other statute providing for a distribution of revenue;

to a political subdivision based in any part on the ad valorem property tax levy imposed by the political subdivision.

(c) For calendar year 2000 and any other year that in any part conditions a distribution of miscellaneous revenue on the county property tax levies first due and payable in calendar year 1999 or a previous year, the distribution must be made based on the adjusted property tax levy determined under this SECTION.

(d) The state board of tax commissioners shall determine an adjusted property tax levy for each year on which a distribution described in subsection (c) is based. The adjusted property tax levy must exclude the county office property tax levies imposed in that year.

(e) Before July 15, 1999, the state board of tax commissioners shall certify the adjusted levy determined under subsection (d) to the auditor of state, each county auditor, and the department of state revenue.

(f) For purposes of property tax levies first due and payable after December 31, 1999, the state board of tax commissioners shall adjust property tax levies of a political subdivision to eliminate that part of a property tax levy that was imposed before January 1, 2000, to make a transfer described in IC 12-15-18-5.1.

(g) The unallotted balance on December 31, 1999, of any county office property tax levies in a fund other than the state general fund shall, on January 1, 2000, be transferred to the state general fund to carry out the programs for which the money was levied. The unallotted balance on December 31, 1999, of each county welfare trust clearance fund shall be transferred on January 1, 2000, to an account in the state welfare trust clearance fund. However, by agreement between a county executive and the division of family and children, a county may retain a balance of county office property tax levies after December 31, 1999, in a fund to pay obligations incurred but not allotted for payment before January 1, 2000. The amount and time that balances shall be retained shall be governed by the agreement. Money transferred to the state under this subsection shall be treated as money from state revenues.

(h) The state board of tax commissioners shall reduce the

1 maximum permissible ad valorem property tax levy of a county to
 2 reflect the transfer by this act of expenditures payable from a
 3 county general fund to the state.

4 (i) This SECTION expires December 31, 2000.

5 SECTION 76. [EFFECTIVE JULY 1, 1999] (a) After December
 6 31, 1999, a reference in a law, rule, or other document to a county
 7 office of family and children shall be treated as a reference to:

8 (1) the county office of family and children within the
 9 division of family and children; or

10 (2) the division of family and children.

11 (b) The division of family and children may adopt and operate
 12 under interim guidelines to implement this SECTION. Interim
 13 guidelines adopted under this SECTION expire on the earliest of
 14 the following:

15 (1) A replacement interim guideline is adopted under this
 16 SECTION.

17 (2) A rule is adopted under IC 4-22-2 to replace the interim
 18 guideline.

19 (3) January 1, 2001.

20 (c) To the extent that the personnel, agreements and other
 21 obligations, and records and other property of a county office are
 22 not the personnel, agreements and other obligations, and records
 23 and other property of the division, after December 31, 1999, the:

24 (1) personnel;

25 (2) agreements and other obligations; and

26 (3) records and other property;

27 of a county office of family and children on December 31, 1999,
 28 shall be treated as the personnel, agreements and other obligations,
 29 and records and other property of the division of family and
 30 children.

31 (d) After December 31, 1999, a court order issued before
 32 January 1, 2000, and requiring or authorizing a county office of
 33 family and children to take an action shall be treated as an order
 34 requiring or authorizing the division of family and children to take
 35 the action. However, this subsection does not authorize the division
 36 of family and children to impose a property tax levy.

37 (e) After December 31, 1999:

38 (1) trust funds administered by; and

39 (2) wardships and guardianships granted to;

40 a county office of family and children before January 1, 2000, shall
 41 be administered by the division of family and children.

42 (f) The following funds are abolished:

43 (1) State medical assistance to wards fund.

44 (2) The state welfare fund.

45 (3) Institution clothing fund established under IC 12-24-6-1
 46 (repealed by this act).

1 Unallotted money in a fund described in this subsection on
 2 December 31, 1999, shall on January 1, 2000, be transferred to an
 3 account in the state general fund.

4 (g) The unallotted balances on December 31, 1999, of any trust
 5 fund established under IC 12-19-1-15, as repealed by this act, shall
 6 be transferred to an appropriate trust fund under the
 7 administration of the division of family and children. The amount
 8 transferred shall be used only in a manner consistent with the
 9 intention of the donor of the property and for the following
 10 purposes:

11 (1) For the benefit of a home or an institution in which
 12 dependent or neglected children are cared for under the
 13 supervision of the county office.

14 (2) For the benefit of children who are committed to the care
 15 or supervision of the county office.

16 SECTION 77. [EFFECTIVE JULY 1, 1999] (a) As used in this
 17 SECTION, "committee" refers to the human services committee.

18 (b) The human services committee is established. The
 19 committee consists of twenty (20) members as follows:

20 (1) Four (4) members of the senate finance committee to be
 21 appointed by the president pro tempore of the senate.

22 (2) Four (4) members of the senate finance committee to be
 23 appointed by the minority leader of the senate.

24 (3) Six (6) members of the house ways and means committee
 25 to be appointed by the speaker of the house of
 26 representatives.

27 (4) Six (6) members of the house ways and means committee
 28 to be appointed by the minority leader of the house of
 29 representatives.

30 (c) A member appointed under this SECTION serves at the
 31 pleasure of the appointing authority. If a vacancy exists on the
 32 committee, the vacancy shall be filled by the person who made the
 33 original appointment.

34 (d) The chairman of the legislative council shall name the
 35 chairperson of the committee. The chairperson of the committee
 36 serves at the pleasure of the chairman of the legislative council.

37 (e) The committee shall meet at least eight (8) times each year.
 38 The chairperson shall call the first meeting of the committee before
 39 August 31, 1999.

40 (f) The committee shall provide for the introduction of
 41 legislation in the 2000 and 2001 regular sessions of the general
 42 assembly to do the following:

43 (1) Make appropriate changes to references in statutes that
 44 are required by this act.

45 (2) Revise and consolidate the statutes relating to the
 46 reorganization of county offices of family and children under

1 this act.

2 **(3) Otherwise implement this act.**

3 **(g) The committee may study any issue related to its**
4 **responsibilities.**

5 **(h) The affirmative votes of a majority of the members**
6 **appointed to the committee are required for the committee to take**
7 **action on any measure, including final reports.**

8 **(i) The committee shall operate under the direction of the**
9 **legislative council. The legislative services agency shall staff the**
10 **committee. The office of the secretary of family and social services**
11 **shall assist the committee as directed by the chairperson of the**
12 **committee.**

13 **(j) The committee shall issue:**

14 **(1) an interim report before November 2, 1999, and at other**
15 **times as determined by the legislative council; and**

16 **(2) a final report before November 2, 2000.**

17 **Copies of each report shall be given to the governor and the**
18 **legislative council.**

19 **(k) Each member of the committee is entitled to receive the**
20 **same per diem, mileage, and travel allowances paid to members of**
21 **the general assembly serving on interim study committees**
22 **established by the legislative council.**

23 **(l) This SECTION expires December 31, 2000.**

24 SECTION 78. [EFFECTIVE JANUARY 1, 1999
25 (RETROACTIVE)] IC 6-3.1-20, as added by this act, applies only to
26 taxable years that begin after December 31, 1998.

27 SECTION 79. [EFFECTIVE JANUARY 1, 1999
28 (RETROACTIVE)] IC 6-3.1-21, as added by this act, applies to a
29 taxable year beginning after December 31, 1998.

30 SECTION 80. [EFFECTIVE JULY 1, 1999] IC 6-1.1-18.5-2, as
31 amended by this act, applies to maximum property tax levies after
32 1999.

33 SECTION 81. [EFFECTIVE JANUARY 1, 1999
34 (RETROACTIVE)] IC 6-3-1-3.5, as amended by this act, applies to
35 taxable years beginning after December 31, 1998."

36 Renumber all SECTIONS consecutively.

(Reference is to ESB 247 as printed March 18, 1999.)

Representative Espich